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WQC number: 830-0094-WQC-1

Public Notice

Closing Date:
9/20/2012

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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*401 application

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Western Kentucky Minerals, Inc.
Mailing Address's: P. O. Box 155 Philpot, KY42366
Contact Person: Anthony V. Lanham
Telephone No: (270) 686-2662
E Mail Address: N/A
2. **Consultant Name & Address:** Stephen P. McEwen P. O. Box 27 Beaver Dam, KY 42320

Telephone No. (270) 274-3356
E Mail Address: stpmcewen@bellsouth.net
3. **Provide a brief description of the proposed activity and stream impact.**
The proposed project involves disturbances related to a surface coal mining operation. These will involve excavation or fill of approximately 15,507 linear feet of streams.
4. **Project Location Information:**

County Daviess; **USGS Quadrangle Name** Maceo, KY

Nearest Community & Road Intersection: Knottsville, KY and intersection of Pup Creek Road and Free Silver Road.

Longitude 37°-46'-46" **Latitude** 86°-53'-41" (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:**
Stream No. 1 – Major Tributary to Pup Creek,
Stream No. 2 – Minor Tributary to Stream No. 1,
Stream No. 3 – Minor Tributary to Stream No. 2,
Stream No. 4 – Minor Tributary to Stream No. 1,
Stream No. 5 – Minor Tributary to Stream No. 1,
Stream No. 6 – Minor Tributary to Stream No. 1,
Stream No. 7 – Minor Tributary to Stream No. 1,
Stream No. 8 – Minor Tributary to Stream No. 1,
Stream No. 9 – Minor Tributary to Stream No. 8,
Stream No. 10 – Minor Tributary to Stream No. 8,
Stream No. 11 – Minor Tributary to Fork of Pup Creek.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure. There are no proposed permanent silt control structures. See Section No. 1 of the Baseline Information in the Corps of Engineer's 404 application.
7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.
See Table in Section No. 1 of the Corps of Engineer's 404 application.
8. Provide the acreage of wetlands that would be impacted: 0.833
9. Beginning at the nearest intersection of two public roads, provide directions to the project site:
Travel 9.8 miles east of Owensboro, KY on Hwy 144 to the community of Knottsville. Turn left (north) on Free Silver Road. Travel north 0.7 miles to project site east and west of Free Silver Road.
10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:
NW 12 ____ NW 14 ____ NW 21 X NW 27 ____ NW 49 ____
NW 50 ____ Individual ____ Other ____
11. Provide the following permit numbers associated with this mining activity:
KY-DNR No. 830-0094, KPDES General Permit has been applied for.
12. The following attachments must be provided:
- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
 - b. A 7.5 minute topographic map delineating the proposed project area.
 - c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

All maps, stream locations maps, cross-sections and profiles, wetland location maps, mine project location map and mitigation location maps are provided in the attached Corps of Engineers 404 application.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

E-Signed by McEwen Engineering
VERIFY authenticity with ApproveIt



Christopher V. Parker

ate: 09-23-11

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**

Section No. 1**Baseline Information****Proposed Impact Site****A: Summary of Impacts**

Western Kentucky Minerals, Inc. is proposing to mine up to four (4) coal seams in a proposed surface mining project. These coal seams from top to bottom are the Lewisport, Unnamed Rider, Upper White Ash, and Lower White Ash. The project will disturb approximately 367.0 acres.

The planned mining operation will excavate through three (3) intermittent streams (Stream No's 1, 5, & 8), and eight (8) ephemeral streams (Stream No's 2, 3, 4, 6, 7, 9, 10, & 11).

The Streams were measured for linear length. The field investigation and survey provided the following table of information for the seven (11) streams.

<u>Disturbance</u>		<u>Stream Area</u>		<u>Watershed Area</u>
<u>Linear Length of Stream</u>		<u>Stream Type</u>	<u>Acres</u>	<u>Acres</u>
Stream No. 1	5,230. ft.	Intermittent	0.568	402.0 Ac.
Stream No. 2	1,620. ft.	Ephemeral	0.033	75.0 Ac.
Stream No. 3	380. ft.	Ephemeral	0.017	44.0 Ac.
Stream No. 4	870. ft.	Ephemeral	0.028	51.0 Ac.
*Stream No.5	1,030. ft. /510. ft.	Intermittent/Ephemeral	.075/0.009	25.0 Ac.
Stream No. 6	800 ft.	Ephemeral	0.019	17.0 Ac.
Stream No. 7	220 ft.	Ephemeral	0.009	5.0 Ac.
Stream No.8	2,460. ft.	Intermittent	0.321	131.0 Ac.
Stream No. 9	370. ft.	Ephemeral	0.009	12.0 Ac.
Stream No. 10	450. ft.	Ephemeral	0.011	21.0 Ac.
Stream No. 11	1,630. ft.	Ephemeral	0.088	31.0 Ac.

*NOTE: 1,030. feet of Stream No.5 has an intermittent channel with the balance in ephemeral channel.

During the investigation there were twelve (12) small wetland areas mapped, Wetland Area #6 is located just east of Stream #1 in a small wooded area. The other eleven (11) areas were located in all wetland areas appear to be isolated from stream system in the project area and all areas were small ranging from 0.049 to 0.269 acre in size.